

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DWIGHT JOHN,

Petitioner,

v.

LOIS RUSSO,

Respondent.

Civil Action No. 05-1 1653-WGY

MOTION TO FILE SUPPLEMENTAL MEMORANDUM ONE BUSINESS-DAY LATE

The respondent, through counsel, moves the Court to permit her to file her Supplemental Memorandum of Law one business-day late. As grounds, undersigned counsel states that since the December 14, 2005 hearing where the Court requested supplemental briefing, he has been engaged in numerous other matters, including: Filing memoranda in opposition to habeas corpus petitions in the following cases: *Rolon v. Spencer*, U.S.D.C. No. 04-10532-GAO (December 30, 2005); *Farma v. O'Brien*, U.S.D.C. No. 05-10193-RGS (January 3, 2006); and *Murphy v. Dennehy*, U.S.D.C. No. 05-12246-DPW (January 13, 2006). In addition, undersigned counsel appeared on behalf of the respondent to argue the case of *Knight v. Spencer*, First Circuit No. 05-1770 on January 12, 2006.

For the foregoing reasons, the respondent respectfully asks the Court to excuse the late filing of the respondent's Supplemental Memorandum and permit him to file it one business-day late.

Respectfully submitted,

THOMAS F. RILEY
Attorney General

/s/ Daniel I. Smulow

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Dated: January 17, 2006

Certificate of Service

I, Daniel I. Smulow, hereby certify that I have inspected the docket sheets in this case and determined that counsel for the petitioner, James Lawson, Esq., has enrolled in the Court's ECF system and will be served through that system. Consequently, I have not separately mailed a copy of this document to Mr. Lawson.

/s/ Daniel I. Smulow